



# California Fair Political Practices Commission

September 12, 1989

Teresa Craigie  
Pillsbury, Madison & Sutro  
P. O. Box 7880  
San Francisco, CA 94120

Re: Your Request for Informal  
Assistance  
Our File No. I-89-481

Dear Ms. Craigie:

You have requested confirmation of telephone advice provided to you concerning the campaign provisions of the Political Reform Act.<sup>1</sup> Because your request is of a general nature, we are treating the request as one for informal assistance.<sup>2</sup>

Your letter, dated August 10, 1989, correctly summarizes my advice that contribution checks provided by a corporation to a candidate or committee which are lost or destroyed may be replaced by the corporation and will be deemed to have been made on the date the original contribution check was issued for purposes of the contribution limitations and disclosure on the corporation's major donor committee campaign statement (Form 461). Your letter also correctly summarizes my advice that in order to replace a lost or destroyed contribution check, the corporation must have proof of the date and amount of the original check.

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<sup>1</sup> Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

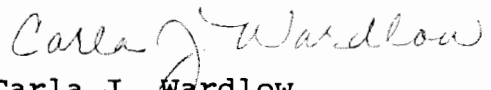
<sup>2</sup> Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

Teresa Craigie  
Page 2

If you have additional questions, please do not hesitate to contact me at (916) 322-5662.

Sincerely,

Kathryn E. Donovan  
General Counsel

  
By: Carla J. Wardlow  
Assistant Chief, Technical  
Assistance & Analysis Division

LAW OFFICES OF  
PILLSBURY, MADISON & SUTRO

FPPC

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WRITER'S OFFICE AND  
DIRECT DIAL NUMBER

235 Montgomery Street  
(415) 983-1968

August 10, 1989

Ms. Carla Wardlow  
Assistant Chief  
Technical Services Division  
Fair Political Practices Commission  
428 J Street, Suite 800  
Sacramento, CA 95814

Dear Carla:

The purpose of this letter is to confirm your prior oral advice.

As we discussed, this firm represents several corporations which make contributions to candidates for state and local offices in California. Most of these corporations file campaign statements as major donor committees under the campaign disclosure provisions of the Political Reform Act of 1974, as amended.

From time to time, committee treasurers or their agents may lose or destroy contribution checks from a corporate contributor. For example, checks collected at a fundraiser may be lost, or a duplicating machine may destroy a check. In such a case, the corporate contribution check is neither cashed by the treasurer nor deposited into the committee's bank account.

It is our understanding that the Commission has taken the following positions with respect to such lost or destroyed checks:

1. The corporate donor may replace the lost or destroyed check.

2. The date of the contribution is deemed to be the date of the original contribution check, rather than the date of the replacement check. This means that if a replacement check is issued

Ms. Carla Wardlow  
August 10, 1989  
Page 2

in a fiscal year other than the fiscal year during which the original check was issued, the replacement check counts against the contribution limitations for the fiscal year during which the original check was issued. Alternatively, if the original and replacement checks are issued in the same fiscal year, only the original check would count against the limits for the fiscal year.

3. In order to issue a "replacement" check and use the date of the original check, the corporate donor must have proof of the date and amount of the original check (e.g., check ledger entry, copy of the original check or partially destroyed original check).

4. If the corporation qualifies as a major donor committee, it should report the contribution as made on the date of the original check. The corporate donor should not report the date or amount of the replacement check.

Very truly yours,

  
Teresa Craigie

cc: Mr. F. K. Lowell

04-401

LAW OFFICES OF  
PILLSBURY, MADISON & SUTRO

OTHER OFFICES

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Very truly yours,

  
Teresa Craigie

cc: Mr. F. K. Lowell



# California Fair Political Practices Commission

August 21, 1989

Teresa Craigie  
Pillsbury, Madison & Sutro  
P.O. Box 7880  
San Francisco, CA 94120

Re: Letter No. 89-481

Dear Ms. Craigie:

We received your letter requesting confirmation of advice under the Political Reform Act on August 11, 1989. Your letter has been assigned to our Technical Assistance and Analysis Division for response. If you have any questions, you may contact that division directly at (916) 322-5662.

If the letter is appropriate for confirmation without further analysis, we will attempt to expedite our response. A confirming response will be released after it has gone through our approval process. If the letter is not appropriate for this treatment, the staff person assigned to prepare the response will contact you shortly to advise you. In such cases, the normal analysis, review and approval process will be followed.

You should be aware that your letter and our response are public records which may be disclosed to any interested person upon receipt of a proper request for disclosure.

Sincerely,

*Kathryn E. Donovan*

Kathryn E. Donovan  
General Counsel

KED:plh:confadv1